

### **DETAILED ACTION**

This communication is in response to applicant's response to an Amendment, which is filed February 4, 2008.

Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Durrell (US# 5,193,641).

Referring to claim 1, Durrell discloses an apparatus arranged for providing drive-off security in a motor vehicle environment through blocking one of more vehicle engine system subfunctions said apparatus comprising:

a detection circuit (10) (i.e. fuel lock unit) detecting an unauthorized system activation, and an on-off control circuit pertaining to and controlling a fuel pump arrangement functionality means, said on-off control circuit being configured to start the fuel pump arrangement at an attempted starting of the motor vehicle and being triggered to switch off the fuel pump after the attempted starting when said detecting circuit detects that the attempted starting was unauthorized (col. 2 lines 41-54, see Abstract).

Referring to claim 3, Durrell teaches an apparatus as claimed in claim 1, wherein said on-off control circuit is physically integrated with a fuel tank or fuel pump element of the motor vehicle (i.e. see Figure 4, # 23).

Referring to claim 4, Durrell teaches an apparatus as claimed in claim 1, wherein in operativity activation, said fuel pump arrangement requires a pre-established code word from an electronic circuit (col. 4 lines 38-40).

Referring to claim 5, Durrell teaches switches (62, 63, 48, 23, and 26) are operating in a close or open position is to determine the fuel control system (col. 3 line 63 to col. 4 line 7; see Figure 4).

Referring to claim 6 is directed to a motor vehicle drafted in analogy to an apparatus claim 1. Hence, the subject-matter of the claim is not novel in view of the above-mentioned documents.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Durrell (US# 5,193,641) as applied to claim 1 above.

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Referring to claim 2, Gilmore teaches an apparatus as claimed in claim 1. Gilmore teaches the tank is not shown, is connected by inlet line 17 (i.e. see Fig. 1). Therefore, it is obvious that Gilmore teaches the control circuit (8) (i.e. fuel pump module) is physically arranged in the immediate vicinity of a fuel tank of the motor vehicle (col. 4 lines 8-15).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications form the examiner should be directed to Scott Au whose telephone number is (571) 272-3063. The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached at (571) 272-3059. The fax phone numbers for the organization where this application or proceeding is assigned are (571)-273-8300.

/Scott Au/  
Examiner, Art Unit 2612

/Brian A Zimmerman/  
Supervisory Patent Examiner, Art Unit 2612